

# Hawaiian Gazette.

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HONOLULU, H. T., TUESDAY, DECEMBER 1, 1903—SEMI-WEEKLY.

WHOLE No. 2542.

## JAPANESE WILL TEST THE COUNTY ACT

### Want to Have the Anti-Asiatic Hackmen's Clause Invalidated by Courts.

Japanese hackmen are preparing to test the county law in the courts. Steps have already been taken and a suit will probably be filed as soon as the county law goes into effect, to render invalid the license clause which prohibits any man from driving a hack unless he can read and write the English or Hawaiian language. M. Saito, the Japanese Consul General for Hawaii, has taken the matter up and an opinion has been obtained from leading counsel in the city to the effect that the obnoxious clause can be killed. It is not determined as yet whether the law is to be tested in the federal or Territorial courts, but definite action will be determined upon next month.

The Japanese are especially anxious to knock out the law as soon as possible as in the past few months some twenty-five or thirty Japanese have been refused licenses because of their lack of knowledge of English. This action by the High Sheriff was not taken because of the county act but by virtue of the regulation promulgated by Supt. Boyd, while in office, which provides that:

Every hack-driver, before being licensed as such, must prove to the satisfaction of the competent authorities that he is sufficiently conversant with the English language for the conduct of his business, and well acquainted with streets and localities in and around Honolulu.

The county act is likely to wipe out of business every Asiatic driver of a licensed vehicle in the city. The provision in the county law which is to be attacked is as follows:

Section 349, Chapter 55, relating to vehicles and drivers, is as follows: "The Sheriff or Deputy Sheriff shall before any license is issued for any passenger vehicle, inspect the vehicle for which a license is requested and the harness and the animals to be used therewith, and if he shall find the same to be in good serviceable condition he shall deliver to the applicant thereof a certificate setting forth such fact, and the capacity of the vehicle. Such officer shall also examine any applicant for a driver's license and if he finds such applicant to be competent driver, AND ABLE TO READ AND WRITE THE ENGLISH OR HAWAIIAN LANGUAGE HE SHALL GIVE HIM A CERTIFICATE TO THAT EFFECT."

"No license shall be issued to any driver or for any passenger vehicle until the receipt by the Tax Collector of SUCH CERTIFICATE."

Consul Saito has been in correspondence with the Japanese Minister at Washington in regard to the alleged violation of treaty rights in the discrimination against Japanese and as a result the local Japanese were advised to attack the law in the courts, before it was made a matter of diplomatic exchange between the two countries. If the law is attacked in the Federal Court, the favored nation clause in the treaty is likely to be the basis. If in the Territorial courts the question is likely to be raised as to how the ob-

noxious section got into the bill after having been killed in committee. Just the course of action to be taken has not been decided upon. The opinion which was given to the interested parties by Kinney, McClanahan & Cooper was to the effect that the law is illegal and the section objected to could be rendered invalid. Another opinion by one lawyer upheld the legality of the law, and the Japanese intend to get other legal advice before finally determining upon their course of action.

There has been a general falling off in the hack business every month since the Rapid Transit was extended all over the city. Last month for instance of the licenses expiring, fourteen or fifteen hackmen failed to make a request for renewal. Nearly all of these were natives.

The refusals to grant licenses to hackmen have been confined to Asiatics, and Consul Saito recently wrote to High Sheriff Brown inquiring why the Japanese were being discriminated against. The reply contained a reference to the section in the hack regulations given above and a statement that the county act would not be enforced until after it becomes effective.

#### HIGH SHERIFF'S VIEWS.

"The county act has nothing to do with the rejection of Japanese and Chinese hackmen," said the High Sheriff. "We have however been turning down an average of from five to six applicants a month for about six months past, on the ground that they are not sufficiently conversant with the English language to drive hacks. This is in accordance with a regulation in the rules compiled by Supt. Boyd some years ago. There has been so much complaint lately from white hackmen but from the English speaking people generally against the ignorance of Asiatic hackmen, that it was determined to enforce more strictly the rules for the issuance of licenses. The men turned down have been totally deficient in their knowledge of English. Some of them have been engaged in the hack business for three and four years, and a few have been new applicants. Several Chinese were turned down because of their lack of knowledge of driving. The Treasurer sends us a list of licenses as fast as they expire, and when the renewals are applied for, tests are made by the hack inspector and myself. The applicants are made to undergo an examination in English and afterwards the hack inspector or his assistant drives about the city with the applicants and is given an opportunity to find out about their knowledge of driving. If all tests are satisfactorily passed the license is granted."

"I received a letter from the Japanese Consul a few days ago inquiring as to my reasons for denying certain licenses asked for by Japanese, and I sent a letter giving the desired information. He was apparently under the impression that the applications had been rejected because of the county act. That was not the case however. If the hack license provision in the county law holds good it will practically drive every Japanese and Chinese hackman in the Territory out of business. Still that was the intention of the men who put the amendment in the bill, I believe. That section requires that they should be able to both read and write the English or Hawaiian language and few Asiatic hackmen could comply with those conditions."

## QUARANTINE ISLAND WORK WILL COMMENCE SOON

Work on the new marine hospital buildings on Quarantine Island is likely to begin very shortly. Dr. L. E. Cofer received a request in the last mail for information regarding soundings in the harbor about the island, which leads to the belief that the department is preparing for the early improvement of the station.

Dr. Cofer has also been given authority to advertise for bids for lighting the buildings on the island with electricity, and has asked for tenders

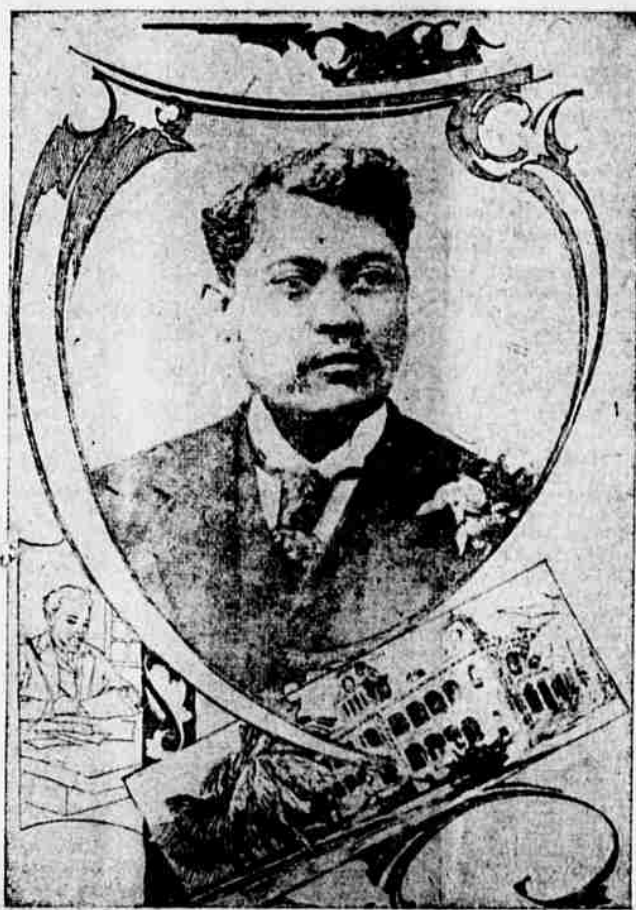
to be opened December 10th. The island is to be lighted either by a current from the city, connected under the harbor or else by a plant established on the island.

No definite information has been received from Washington as to the time when work will be commenced on the building. There is still some doubt as to who will do the work, although the present action of the Surgeon General indicates that the delay now will not be for long.

The following story of Pope Pius is told in the Italian papers: A deputation of the monks of some order recently obtained an interview with him. According to the etiquette of the Vatican only cardinals are allowed to sit in the Pope's presence, and an invitation from him to do so is deemed equivalent to the promise of a cardinalate. Pope Pius the Tenth is a plain man, utterly indifferent to the etiquette of the Papal court. He, therefore, begged the monks to take seats. They hardly knew whether they could venture to do so, and while they stood hesitating, he said to them: "You do not, I suppose, expect me to draw your chairs forward for you?"

## QUEER WORK ILLUSTRATED

### Meheula Twice Indicted for Destroying House Vouchers—Startling Revelations of Looting the Treasury—Specimen of Voucher.



S. Meheula, the Indicted Clerk of the House of Representatives.

Conjecture, surmise, rumor and suspicion all ended at once, revelation taking their places, when the Federal grand jury presented its final report before Judge Dole directly after the opening of the United States District Court yesterday morning. And whatever might have been conjectured, surmised, rumored or suspected, nothing had been publicly stated which foreshadowed a blacker picture of legislative graft than the details of House expenditures presented by the grand jury revealed.

Solomon Meheula, Clerk of the House of Representatives, had two indictments presented against him for destruction of vouchers. That he was the only one indicted is simply because the looting of the treasury shown up by the grand jury does not come within the scope of Federal law to punish. By Meheula's official position, that made him the custodian of public records, he became amenable to the statute of the United States provided for safeguarding such documents. When it was found he had paid out more than one thousand dollars, including several considerable sums to himself, without having vouchers to show authority for the expenditure, the duty of the grand jury was to investigate whether or not there ever had been vouchers for the items in question and if so what had become of them. The fact that they returned indictments for the destruction of the vouchers representing moneys paid to Meheula himself indicates that they found probable cause to convict him of destroying these records.

With regard to the receiving of public money by others than the Clerk, for which either no service or only a mere pretense of service had been rendered, the Federal grand jury was compelled to pass the facts on to the Territorial authorities for jurisdiction as coming under the Territorial laws against embezzlement, larceny, gross cheat, or whatever law, in any particular case, applied.

#### THE MEHEULA CASES.

In each indictment against Solomon Meheula it is charged that he being a public officer, namely, Clerk of the House of Representatives, having the custody of records, documents and pa-

pers of the House of Representatives, did have in his possession a certain voucher, a more complete description of which was unknown to the grand jury. The number of a particular warrant is then given, with the amount for which it was drawn, and then the indictment specifies how the accused committed a violation of Section 5403 of the Revised Statutes of the United States as follows:

"And these Grand Jurors do further present and show that he, the aforesaid Solomon Meheula, after the aforesaid voucher had been deposited in his custody as aforesaid, did then and there, to wit, at said City of Honolulu within said District, on said 21st day of March, 1903, wilfully, unlawfully, intentionally, knowingly, feloniously and fraudulently destroy said voucher, contrary to his trust as such Clerk aforesaid; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America."

The quotation refers to warrant No. 153 for \$70 drawn March 21, and is the first count. The second count is on warrant No. 239 for \$13.25, the third on warrant No. 501 for \$50 and the fourth on warrant No. 528 for \$20.

The second indictment against Meheula, in similar form, charges him in three counts with having destroyed vouchers for \$30, \$35 and \$60 respectively. In each count of both indictments it is set forth that Clerk Meheula was paid the money for himself by the public treasury.

#### OTHER INDICTMENTS.

James H. Hakuole, cashier in the office of the Collector of Internal Revenue, was indicted for the embezzlement of \$164. It was reported yesterday evening that a further shortage had been discovered in Hakuole's accounts, being of collections outside the office, since the grand jury investigated his case.

There were twenty-two other indictments, mostly against Japanese, for perjury, peonage, bigamy, importation of women for immoral purposes, etc.

Meheula and Hakuole were taken into custody early in the afternoon and their bonds for appearance fixed at \$2500 each. Meheula's bond was ac-

(Continued on Page 5.)

## BRITISH SQUADRON WILL MENACE VENEZUELAN

### A Squadron to Enforce Great Britain's Protest Against Closing Orinoco.

### England and China to Protect Thibet—Wood Was Insubordinate—Germany Recognizes Panama—Sir Fred'k Bramwell Dead.

(ASSOCIATED PRESS CABLEGRAMS.)

PORT OF SPAIN, Dec. 1.—A British squadron is going to La Guayra, it is reported, in connection with President Castro's closing of the Orinoco river to foreign trade. Great Britain has twice protested against this measure.

#### Protectors of Thibet.

TIENTSIN, Dec. 1.—It is understood that England and China will hold Thibet against Russia.

The Chinese Resident in Thibet recently reported that hundreds of Russian cavalrymen were entering the country. He protested against this invasion but the L'Hassa government paid no attention to him as it was stated that the cavalrymen were only "visiting" in the country. Colonel Younghusband is at present leading a British column into Thibet to remind the Thibetans that they have disregarded certain treaties in connection with British and Indian trade. Russia is said to be backing up the present stubbornness of the government of Thibet.

#### Wood Was Insubordinate.

WASHINGTON, Dec. 1.—In the Senate inquiry into the claims to promotion of Brigadier General Leonard Wood, Major General Brooke testified that General Wood was insubordinate in Cuba. Wood will probably be recalled from the Philippines to testify.

#### Noted Engineer Dead.

LONDON, Dec. 1.—Sir Frederick Bramwell, the noted engineer, is dead at 85. He was a civilian member of the British ordinance committee.

#### Germany Recognizes Panama.

BERLIN, Dec. 1.—Germany has recognized the independence of Panama.

#### Kansas Eight Hour Law.

WASHINGTON, Dec. 1.—The Supreme Court has affirmed the constitutionality of the Kansas eight hour law.

#### President and King.

WASHINGTON, Dec. 1.—President Roosevelt will recognize the King of Serbia and reestablish the legation at Belgrade.

#### Three Negroes Lynched.

SHREVEPORT, La., Dec. 1.—Three negroes have been lynched for murdering white men.

#### Naval Balloon Stations.

LONDON, Dec. 1.—The war office will establish balloon stations on the Mediterranean.

## TRIBUTES TO JUDGE FROM PLANTERS AND BUSINESS MEN

Following are the resolutions adopted by the Chamber of Commerce and the Hawaiian Planters' Association, respectively, in regard to the retirement of Mr. Dole from the Governorship and his accession to the Federal Judgeship:

#### CHAMBER OF COMMERCE.

Whereas, The Honorable Sanford B. Dole has been the Chief Executive of the Government of Hawaii for a period of more than ten years, and

Whereas, he has now resigned the office of Governor to assume the duties of United States Judge for this Territory,

Be It Resolved that this Chamber of Commerce hereby records its sincere appreciation of the valuable services rendered by Mr. Dole in the exalted position he has so long occupied, and expresses its deep conviction that his career in the important judicial post to which he has now been appointed will be no less distinguished than that which has just drawn to an honorable close.

#### HONOLULU CHAMBER OF COMMERCE.

By its Vice President, E. D. Tenney. By its Secretary, Jas. Gordon Spencer. Honolulu, T. H., November 18, 1903.

#### PLANTERS' ASSOCIATION.

Resolved that the Hawaiian Sugar Planters' Association desires to express its appreciation of the services which the Honorable Sanford B. Dole has rendered to the community of these islands as the Chief Executive officer of the Government during the past ten years.

That by his dignified, just and equitable administration of the public affairs, and his recognition of the rights of all classes and interests he has commended himself as a high-minded and able public officer.

#### HAWAIIAN SUGAR PLANTERS' ASSOCIATION.

By H. A. Isenberg, President. By William O. Smith, Secretary. Dated Honolulu, November 19, 1903.



## OFFICES TO BE FILLED

Republican Organization Consulted by the Governor.

With regard to the Board of Health presidency and the office of Surveyor of the Territory, Governor Carter yesterday addressed a letter to the Republican Central Committee soliciting its recommendations for appointments. The Governor awaits legal advice on the question of whether Tax Assessor Pratt can prosecute tax collection cases after he leaves that office. Another question on which the Governor desires illumination of law is whether Mr. Pratt can accept the commission of Commissioner of Lands and holding that office finish his tax office business. Upon the advice received in both matters will depend whether Mr. Pratt shall take the land office forthwith or not until he surrenders the tax office to the county authorities at the first of the year.

As the tax cases will, probably, all go to the Supreme Court, there is little or no chance that they will be determined before Mr. Pratt's performance of law duties from his present office. It might be ascertained by reference to the judicial records if Mr. Pratt's predecessor in office did not figure as a plaintiff or defendant in tax cases for some time after he retired.

As to the vacancy in the presidential office of Secretary of the Territory, it is a safe surmise that if A. L. C. Atkinson should consent to accept it the appointment would not be long delayed.

## Republicans Will Hold Meeting Today.

(From Monday's Daily.)

The Republican members of the Oahu Board of Supervisors will hold their first caucus this afternoon. It is the intention then to discuss plans for the organization of the board, and after the Republican majority has considered the matter the Home Rulers will be called into caucus to decide upon the action to be taken. It is barely a month now before the county act goes into effect and the supervisors will be compelled to do a considerable amount of preliminary work before they take office.

The county act intends that the government of the county shall pass into the hands of the recently elected officers on the fourth day of January, and for that reason it will be necessary that the supervisors organize the government prior to that time, in order that there may be no delay in taking up the reins of control, or any transition period which might lead to trouble.

One of the most important works before the supervisors is the necessity for securing control of a building or offices for the housing of the county offices. There is at present on this island no building which the Territory could turn over to the county, as both the executive and judicial buildings are well crowded. It will of course be possible for the new officers, such as the assessor, to step into the offices of his predecessor, but this arrangement can be carried out only in the case of the assessor and High Sheriff. The county attorney, auditor, treasurer and the remaining officers will be compelled to seek new quarters as they do not take the places of any similar officeholders who now have quarters. There has been some talk of securing offices in the Young Building, but there can be no action until a meeting of the entire board and this would then have to be confirmed at a later meeting after the new law goes into effect.

The Board of Supervisors also has the appointment of a number of officers. The district magistrate is one of the officers to be named by the supervisors, although the present board can make no appointments, as the commissions of Judge Dickey and Judge Lindsay hold for another year. The board also appoints poundkeepers, a health officer, road supervisors and many minor officers. The board must also approve the appointment of deputies to the sheriff, the tax assessor and also the appointment of policemen.

The Board of Supervisors is also compelled to fix the amount of the bonds of the treasurer, tax collector and other officials and also approve the sureties.

In fact the Board of Supervisors is given a multitude of duties, much of which must be dispatched before the board is regularly organized in January, in order not to tie up public business. The caucus this afternoon is of the four Republican members only—J. A. Gilman, John Lucas, M. P. Robinson and A. Hocking. It is possible that some decision may be reached as to the selection of chairman for the board. Both Robinson and Gilman are talked of for chairman of the Oahu board.

A Method in His Dulness.—Teacher: "You notice that boy who stands at the foot of the class? Well, last summer he was the brightest boy in school." Committeeman: "He is now. I notice the foot of the class is nearest the stove!"—Puck.

## CHAS. DOLE BADLY HURT

Was Thrown From His Horse Upon His Head.

Charles Dole, nephew of Judge Sanford B. Dole, was thrown from a polo pony while riding on the Pall road on the other side of the island yesterday afternoon about 3 o'clock, and nearly killed. He was rendered unconscious and remained so up to 10 o'clock last night when he rallied. The physicians are hopeful for his early recovery.

Mr. Dole, accompanied by Mr. Derby of Kiney, McClanahan & Cooper's law offices, left Honolulu early yesterday afternoon for Koolau to spend Sunday at Mr. Swanny's place. Both rode polo ponies, Mr. Dole being mounted on one he used in the Oahu-Kauai polo tournament. After crossing the Pall the young men rode at a much faster gait, and when near the castor bean plantation began to race. The road in places was slippery. Derby was ahead, when he heard a noise as from a horse stumbling. He turned about just in time to see Mr. Dole lying prone in the road with the horse struggling on him trying to regain her feet.

Derby dismounted and rushed to assist his friend. He found Mr. Dole unconscious and looking as if dead. The pony was brought to its feet and Mr. Derby made every effort to revive the fallen rider. There was a contusion on Dole's forehead reaching from the left eye diagonally back to the hair over the temple, and the man was bleeding. Mr. Dole at the time of his fall wore a cork helmet and this is believed to have prevented him from being killed instantly. Mr. Derby believed that he had been pitched from the pony directly upon the top of his head.

Some time after the accident Edgar Henriques came up the road in a brake, and the unconscious man was lifted into the seat and was taken over the Pall to be cared for at Mr. Henriques' home in Nuuanu Valley. Physicians were summoned, and Drs. Cooper and McDonald responded, taking a trained nurse with them. The physicians worked over Mr. Dole steadily and brought him back to consciousness. The pulse was very slack.

Judge Dole and other friends drove up to Mr. Henriques' home to stay with the injured man.

### THE MITCHELL AMENDMENTS.

(The Official and Commercial Record.)

The amendments to the Organic Act proposed by Senator Mitchell are numerous.

The bills for public improvements receive the unqualified support of all the people in the Territory—not for the simple reason that money will be expended here, but because each and full discussion in both Houses of Congress. There does not seem to be any good reason for making a change, and in view of the immense demands upon the time of Congress, there seems to be no reason why the time of that body should be taken up in considering three separate bills involving such insignificant one of the objects proposed is an urgent public necessity.

The amendments changing the age limit of Representatives, Senator and the Governor do not excite any particular interest here one way or the other. The limits in the existing Act were fixed by an able Commission, and after cant and unnecessary amendments.

The proposed amendments repealing the requirement that the Governor and chief Territorial officials should be citizens of the Territory are unqualifiedly bad.

These proposed amendments are not responsive to the desire of any responsible element in this Territory. On the other hand, they are diametrically opposed to the earnest desires of an overwhelming majority of the responsible citizens of the Territory. They are, moreover, inconsistent with the principles of all the great parties in the United States, who for many years have declared in their party platform in favor of appointing Territorial officials from among citizens of other territory.

The proposed amendments are a step backward. They will simply facilitate the appointment of carpetbaggers and those having no knowledge of or interest in the Territory.

The Record cannot imagine any one having any bona fide interest in the Territory supporting such a proposition.

The people of the Territory should resist these carpetbag amendments by every means within their power.

### Lyle Buys Hawaii.

The sale by auction of the yacht Hawaii, formerly owned by the late Judge Luther Wilcox, brought a large number of yachtsmen to the landing yesterday where the boat was exhibited. Among those present were E. A. Mott-Smith, Commodore Hobron, Captain Rosell, H. E. Cooper, Olaf Sorenson, Alec Lyle, Mr. Dowsett and Herbert Young.

Herbert Young bid \$100. Other bids raised the price to \$300 when Alec Lyle began bidding. It was finally knocked down to him for \$320. Mr. Lyle and others bought the boat to enter it in the palat trade on Molokai. Cashman & Nelson bought some spars and sails for \$4.

The yacht Hawaii was designed and built by the senior Sorenson. She was one of the best racing boats in these waters in her time, and was always sailed in recent years by her owner, Judge Wilcox, who was an enthusiastic yachtsman.

## THE HAY-VARILLA TREATY WITH THE NEW REPUBLIC

The Best Things Found in the Late Files From the Coast—Gleanings of the World's Most Interesting News.

NEW YORK, Nov. 19.—Official reply was made today, says the Herald's Bogota (Colombia) correspondent, under date of November 13th, to the note presented by United States Minister Beaupre informing the Colombian government that Washington had entered into official relations with the republic of Panama. The reply was framed by Senator Carlos Rios, Minister of Foreign Affairs, who vigorously defends his government and threatens to march an army on Panama unless the United States immediately recedes from its position.

That the Colombians are willing to fight to maintain their dignity and, if possible, retake Panama, is shown by the strong support offered the government and the popular approval of Minister Rios' stand.

The Minister in his note to the United States through Mr. Beaupre says: "The Colombian Government protests energetically at the attitude taken by the United States. By the recognition of Panama and the warning that the United States will not allow Colombia to put down the rebellion, the heretofore friendly relations existing between the two governments have arrived at such a critical state that it is absolutely impossible to continue diplomatic relations, unless the Washington government immediately gives notice that it has no intention to prevent Colombia from re-taking the isthmus or to extend any recognition to the belligerents."

The note concludes by stating that "a prompt reply is awaited from Washington as the Colombian army is ready to march on Panama at once."

Adding to the indignation of the people and stirring them in their preparations for war is a dispatch alleged to have been received today saying Germany "disapproves of the course taken by the United States and censures her for interference at Panama."

This message has caused general rejoicing and on all sides are heard cheers for Germany.

General Perdomo has been appointed Commander-in-Chief of the Colombian army. He is possibly the best informed officer in Bogota on affairs on the isthmus, having acted in an official capacity at Panama during exciting times there. He was once Governor of Panama.

### THE HAY-VARILLA TREATY.

WASHINGTON, November 18.—The Hay-Bunau-Varilla isthmian canal treaty was signed this evening at the residence of Secretary Hay by the Secretary and Philippe Bunau-Varilla, the Minister from Panama.

Convention gives the United States absolute control over the strip of land on each side of the canal, the territory comprising between eight and ten miles on each side.

Although the treaty contains many features of the Hay-Herran document, it carries out the spirit and letter of the Spooner Act. Panama instead of Colombia gets the \$10,000,000.

Neutrality of the canal is provided for, and it is to be open to all nations on even terms. The United States is permitted to fortify the line and terminals.

Autonomy of the cities of Colon and Panama is retained so long as they maintain public order and sanitary conditions to the satisfaction of the United States.

Landing of troops by the United States, to police the line, is permitted. Many Senators took part in the discussion of the convention with Secretary Hay and the Panama Minister.

WASHINGTON, Nov. 18.—The Hay-Bunau-Varilla isthmian canal treaty was signed this evening at the residence of Secretary Hay by the Secretary and Philippe Bunau-Varilla, the Minister of Panama. The ceremony occurred in Secretary Hay's study. The Panama minister arrived at Mr. Hay's house promptly at 6 o'clock, having made an appointment with the Secretary for a conference at that hour. He was surprised to find that the Secretary had before him the treaty engrossed in duplicate. The Secretary informed Mr. Bunau-Varilla that he was ready to sign the treaty. The Minister read the document carefully and then he and Secretary Hay attached their signatures to it.

Hearty congratulations were exchanged, and it was agreed that the news of the signing of the treaty should be kept from the public for the present. President Roosevelt was advised of the signing and M. Bunau-Varilla sent a confidential cablegram to his government stating that the treaty had been signed.

Although the treaty has not yet been made public the Associated Press is enabled to give the substance of the document.

It consists of between twenty-two and twenty-five articles, but the main points of the convention are contained in the first six articles.

The keynote of the treaty is the provision in one of the very first articles by which Panama cedes to the United States whatever land or lands throughout the Republic of Panama this Government shall find desirable in connection with the building or the operation and maintenance of the canal. In addition the treaty gives to the United States abundant sovereignty over the canal strip, which, it is understood, comprises between eight and ten miles on each side of the canal. Within this zone the power of the United States is as absolute as if the zone were general and parcel of this country. In part, it may be said that while

the new treaty contains many of the provisions of the failed Hay-Herran treaty, it is not based on that convention, but follows not only the spirit but the letter of the Spooner act. Thus, instead of the lease for a fixed period of the canal strip, this new treaty provides for a perpetual grant of the right of way to the United States, and instead of a complicated provision for courts of mixed composition—half American and half Colombian—to administer justice over the canal strip, the new treaty permits this Government to exercise the most complete jurisdiction thereon.

Permission also is given the United States to fortify the line and the terminals, and it may police it with troops. That portion of the treaty dealing with the fortification of the terminals is rather general, but sufficiently explicit not to be misunderstood.

The cities of Panama and Colon retain their municipal autonomy under the Republic of Panama so long as they maintain public order and sanitary conditions to the satisfaction of the United States. Failure to do this gives the United States, according to the treaty, the right to force strict compliance with the wishes of this Government in this direction, and the United States can even use force to compel obedience to its rules as to public order and public health in these cities.

The money consideration is the same in the new treaty as in the Hay-Herran convention, with the exception that the \$10,000,000 goes to Panama instead of to Colombia.

The treaty further provides that the canal is to be neutral and open to all nations on even terms.

Two-thirds of the treaty concerns details of administration, which, while not necessary to the efficacy of the convention, will, it is believed, commend the new treaty to many members of the Senate who picked flaws in the defunct Hay-Herran convention.

Secretary Hay had a conference with the Panama Minister late last night and the general terms of the treaty were agreed upon.

The contention of the Washington Government, that the capital of the new republic be not located in either Panama or Colon, was not pressed by Secretary Hay when he found that the Panama Government was earnestly opposed to it, and the treaty makes no such provision. This, however, is not regarded by the Secretary as a vital point in view of the extensive rights which the United States has throughout the canal strip, and its especially wide jurisdiction in the terminal cities. This is the only point in the negotiations which caused the expression of a difference of opinion.

No time will be lost by Panama in ratifying the new treaty. Whether the ratification will be made by the Government at Panama or whether the commission which arrived here tonight will be cabled power to ratify it has not yet been determined. The exchange of ratifications will occur in Washington.

The President has not determined when the convention shall be submitted to the Senate for ratification. His present purpose is to withhold it until there is reasonable assurance that its consideration will not obstruct any of the legislation for which the present special session of Congress has been called.

## Gen. MacArthur Makes Official Visit to Camp McKinley.

Camp McKinley was thrown into a flutter of excitement on Saturday morning when General MacArthur, U. S. A., commanding general of the Department of California, made an inspection of the post. He was accompanied by his aide, Captain B. Parker West.

The inspection was made of the barracks, equipment of the artillerymen, tents, and government property in general. The troops were not drawn up in review but merely submitted to the usual inspection.

If the weather permits, General MacArthur will be the guest of Admiral Terry on a cruise today on the U. S. S. Iroquois to Pearl Harbor; the sites for the various buildings of the Naval Station and the proposed army fortifications. Captain Rodman will command the Iroquois and Captain White, Naval Engineer, and Captain West, U. S. A., will accompany the officers.

Tomorrow General MacArthur, Captain West, Admiral Terry and others will drive around Oahu via Kahana, Kahuku and Waiwala. Mrs. MacArthur will meet the party at the latter place. The trip will occupy several days.

The Strategy of Samuel.—Proud Father: "I tell you, sir, that boy of mine will be a wonder!" Friend (wearily): "What wonderful thing has he done now?" Proud Father: "Why, the other day he ate all the preserves in the pantry. I overheard him say, as he smeared the cat's face with the stuff: 'I'm sorry, Tom, to do this, but I can't have the old folks suspect me.'—Smart Set (November).

## LONG TRIAL ANTICIPATED

An Excused Juror Let Go Two Weeks.

Late yesterday afternoon twelve jurors had passed for cause in the Jones murder case before Judge Gear. Mr. Robertson challenged Sol. Keolewa and A. A. Montano in turn, and, when John Crowell was called and excused for fixed opinion and scruples against capital punishment, Clerk Sims announced that the list of jurors summoned was exhausted.

The court consulted counsel as to how many new jurors should be summoned under a special venire.

Attorney General Andrews suggested twenty-five, but Mr. Dunne thought that would not be a sufficient number, as there would probably be fifty per cent of those called who would fail to pass for cause.

Judge Gear directed the clerk to draw forty-eight names out of the jury list box and deposit them in the trial jury box. The names were read out as drawn but Mr. Robertson objected to their publication until summoned. It appears that when the previous list drawn had been published in the Advertiser a number of those named got out of town before the officer could summon them.

The defendant has ten more challenges within his right to exercise, while the Territory has the privilege of challenging six jurors. For every one excused peremptorily it may take from one to an indefinite number of men to be examined for cause of excuse before the vacancy is filled.

After the drawing of the names for the special venire the jurors present were excused until 9:30 Monday morning.

When Mr. Montano was retiring he asked for how long he would be excused, and Judge Gear answered two weeks. This might be taken as the court's estimate of the length of the trial in hand.

One juror under examination said he never read the papers, either English or his own Hawaiian. Another naively confessed he believed what he read in the papers, which the lawyers thought funny, and the juror clinched his profession of faith by saying that if Jones did not shoot Mrs. Parmenter the paper would not have said it.

### CIVIL JURY TRIALS.

The debt suit of Enterprise Mill Co., Ltd., vs. Pacific Mill Co., Ltd., with Hawaiian Engineering and Construction Co., Ltd., and P. L. Weaver, trustee, and First National Bank of Hawaii, garnishee, was tried before Judge De Bolt yesterday morning. Hatch & Ballou for plaintiffs, Robertson & Wilder for defendants and garnishees. A continuance asked by defendants was denied. Default was entered against the Construction Co. and Weaver, garnishees, an objection by defendants being overruled. The following jurors were found satisfactory as drawn: I. Livingston, Charles E. Frasher, Charles Butzke, H. Meek, E. E. Mossman, W. H. Thornton, E. H. F. Volter, P. M. Lucas, J. L. Cockett, Isaac Adams, E. McCarrison and George Cypher. The court, after both sides had rested, directed the jury to find a verdict for plaintiff in \$750 for rents and \$279.15 for taxes, a total of \$1,029.15, which they did without leaving their seats. Defendants excepted to the verdict and gave notice of motion for a new trial.

Sing Chan Co. vs. Shun Lung Yuen Ku, assumpsit, came up for trial before Judge De Bolt in the afternoon. Thayer & Hemenway for plaintiff; E. A. Douthitt for defendant. The following jury were found satisfactory as drawn: B. Guerrero, John Kuanaa, Chas. Butzke, W. H. Thornton, Geo. Cypher, I. Livingston, E. McCarrison, Isaac Noar, P. M. Lucas, E. E. Mossman, E. H. F. Volter and H. Meek. Cypher, the court, after both sides had rested, directed the jury to find a verdict for plaintiff in \$750 for rents and \$279.15 for taxes, a total of \$1,029.15, which they did without leaving their seats. Defendants excepted to the verdict and gave notice of motion for a new trial.

W. C. Parke vs. John W. Cathcart was the next case called. W. A. Whitling and C. E. Clemons for plaintiff; defendant in person. A continuance asked on the ground of the absence of C. C. Bittling, attorney for defendant, was denied. With but two excuses the following jurors were found satisfactory: Jas. A. Auld, E. R. Adams, Chas. E. Frasher, Geo. Cypher, I. Livingston, P. M. Lucas, John Kuanaa, Isaac Adams, H. Meek, E. E. Mossman, Ben. Guerrero and E. McCarrison. The trial started and at 4 p. m. was continued till Monday.

The trial of Allen W. T. Bottomley, trustee, vs. Lam Fol was concluded before Judge Robinson yesterday afternoon with a verdict for the defendant. Exceptions were taken and notice of motion for a new trial was given by the plaintiff.

### JUDGMENTS ENTERED.

Judge Gear signed an order directing the executors of the estate of E. C. Macfarlane, deceased, to liquidate and close the entire interest of decedent in the copartnership known as the Puuloa Sheep and Ranch Company, and to that end sell the property at public auction with no bid less than \$20,000 gold to be received. One-third of the proceeds, together with one-third of all the net profits of the copartnership received since the death of decedent and profits accruing previously but not paid to him, be credited to the estate less debts chargeable to him in the copartnership and one-third the expenses of these proceedings.

Judge De Bolt entered judgment for Lyle A. Dickey for \$100 and his costs taxed at \$5 against Honolulu Rapid Transit and Land Company. This was under a remittitur from the Supreme Court.

Judge De Bolt signed the decree confirming the foreclosure sale in the suit of W. F. Allen, trustee, vs. S. K. Kane and wife, which includes a deficiency judgment for plaintiff in the sum of \$1813.57.

## IS NOT AT THE BOTTOM

Militia Force Here Is Larger Than in States.

Although the smallest Territory in the United States, Hawaii has a militia force as large as some of the States, according to the annual report of the Adjutant General of the United States which has just been issued. The pamphlet which came to Colonel J. W. Jones in the last mail gives the roster of the organized militia of the United States by divisions, brigades, regiments and companies.

The figures as to the strength of each state and territory are interesting. Hawaii is far from the bottom in the list. New York of course has the largest organization, her roster showing 13,869 men. The smallest militia force in the United States is that of the State of Nevada, which has but 140 men. Hawaii has 573 soldiers, Idaho 449, Montana 538, Arizona 382, Delaware 389, New Mexico 371, Utah 376, Wyoming 360.

### CANE SUGAR STATISTICS.

The Department of Agriculture, in its official crop report for November, announces that the indications are that the world has entered on a new era in the production of cane sugar. The department quotes estimates placing the total sugar production of the world in the year 1903-4 at 10,425,800 tons of 2240 pounds each, including 4,342,800 tons of cane sugar and 6,083,000 tons of beet sugar, and says as to cane sugar: "During the past five years the world's output of this product has increased from 3,000,000 to more than 4,000,000 tons, quantitatively the greatest increase ever made in any five-year period in the history of this industry. Moreover, for the first time in a half century the ratio of increase in the world's production of cane sugar has exceeded that of sugar made from beets, the percentage of increase in the former product for the five years being about double that of the latter."

"The four years from 1900-01 to 1903-04, inclusive, were each in its turn record-breaking years for the production of sugar. The previous high record crop (3,530,000 tons) was that of 1894-95, the crop made just before the outbreak of the revolution in the most important producer—Cuba.

"The high-record crop in the history of the world's beet sugar production was that of 1902-03. Since that date there has been a decline in production in Europe, amounting in all to about 1,000,000 tons, but the present year's estimated output still shows a considerable increase over that of five years ago."

The report says that about eighty per cent of the cane sugar of the world is now annually produced in tropical and semi-tropical islands. The prospective output for 1903-04 of the leading single producers—Cuba and Java—constitutes forty-five per cent of the world's cane sugar.

of W. F. Allen, trustee, vs. S. K. Kane and wife, which includes a deficiency judgment for plaintiff in the sum of \$1813.57.

### BUNCH OF DEMURRERS.

Separate demurrers have been filed by the four defendants in the suit of Kaploani Estate, Ltd., vs. W. E. Castle, trustee for Leialoha K. A. and Philip L. Weaver, Wm. H. Hoogs and Leialoha K. A. Castle says the complaint is ambiguous in not making it clear whether he is sued individually or as trustee, also that it does not set forth any liability against him for the recovery of \$774 money alleged to have been expended in recovering possession of the premises, also that it does not set forth any liability for the recovery of \$5400 for damages on account of destruction and failure to rebuild certain buildings, also that it does not set forth what proceedings were had for recovery of possession of premises. The other defendants demur on identical grounds to those of Castle excepting the first relating to trustee.

### CASE OF BROOKS.

In the Federal court yesterday F. M. Brooks, the American attorney indicted with seventy-nine Japanese for implication in the conspiracy organization, entered a plea of not guilty and his counsel, E. P. Dole and Geo. A. Davis, made a strong effort for an immediate trial. Mr. Brooks spoke of his business as being ruined by having the charge hanging over him. Attorney Dole, commenting on the bill of particulars furnished under the court's order, said that in all his experience he had never seen an indictment based on so little evidence.

Mr. Breckons asked for a continuance of the case on the ground of absence of material witnesses, Adachi being one.

Judge Dole set the trial of Mr. Brooks for December 7.

### Moana Hotel's Troubles.

At a meeting of the stockholders of the Moana Hotel yesterday morning, it was decided to surrender the property to the bondholders. The hotel has been losing money for some time until W. C. Peacock, the chief stockholder, has become tired of meeting the deficiencies with advances. The Hawaiian Trust Co. is trustee for the bondholders.



# MARSHAL HENDRY WILL GO TO JAPAN AFTER ADACHI

## The Much Wanted Confidential Man of F. M. Brooks Behind the Bars.

United States Marshal Hendry will go to Japan with extradition papers to bring back Adachi, the most important witness in the many slave cases against Japanese in the United States court and also a witness in the charge against Lawyer F. M. Brooks.

Adachi was arrested in Yokohama as he was attempting to make his way ashore in the water police boat in Yokohama harbor from the steamship Siberia. There was no charge against him at the time he suddenly left here on the Siberia. Some one is supposed to have had an object in his going. After Adachi had left here a charge of perjury was laid against him and papers were forwarded to Washington requesting that the United States government secure his extradition from Japan. Adachi was formerly a clerk in the office of F. M. Brooks.

On Nov. 7 the authorities in Washington received the request from Hawaii that the Jap be extradited. They acted promptly, for on the following day United States Minister Griscom, at Yokohama, made a demand on the Japanese government for Adachi's arrest and surrender to the court authorities here. Minister Griscom also assured the Japanese government that in case any American committed a crime in Japan and then escaped to the United States, the latter country would, in a similar case to that of Adachi's, grant extradition and allow the criminal to be returned to Japan for trial.

The return of Adachi to Hawaii will be the first case in which extradition has been secured from Japan of a man who had committed a crime here. The Japanese government caught Adachi two days after Griscom had requested his arrest and now hold him awaiting the arrival of proper extradition papers through diplomatic channels.

Consul-General Miki Saito, at the request of United States District Attorney Breckons, also cabled the facts in the Adachi case to his government. The last mail brought him replies to these messages and in yesterday's Hawaii Shinto Sha, the local Japanese daily, one letter was printed. This was a copy of a letter from the Japanese Foreign Minister to Consul General Miki Saito, a translation of which is as follows:

COMMUNICATION REGARDING THE TEMPORARY ARREST OF ADACHI SABURO.

WHOSE SURRENDER HAS BEEN REQUESTED OF US BY THE UNITED STATES GOVERNMENT.

Your cable communication regarding one Adachi Saburo, an Imperial subject, who had been indicted under a charge of perjury in the United States Court, who was known to have sailed for the Empire of Japan in the steamship Siberia, whose surrender was wished by the said court and whose identification could be established by a certain person who was also a passenger on the said steamship, etc., in answer to which we have already sent you cable instruction to advise the authorities there to make the demand officially through the proper diplomatic channels, as this matter requires to be followed strictly in accordance with the provisions set forth in the treaty stipulation between the United States and Japan relating to the surrender of criminals. Regarding this affair the United States Minister stationed in this country sent a communication, on the 8th instant, to the Government stating that he had received an instruction from his home government, by cable, to make a demand for the arrest and surrender of the said Adachi and that he was instructed to assure us that if a similar case happened to any of the citizens of the United States, the latter government should act reciprocally. Under these conditions the said criminal was arrested on the 10th of this month when he was trying to come ashore from the Siberia and immediately sent to the Yokohama Penitentiary for safe keeping.

I hereby communicate the above facts for your future reference. (Signed) JUTARO KOMURA, Minister for the Foreign Dept. To Consul-General Miki Saito, Honolulu, T. H., U. S. A.

The return of Adachi will mark an important era in the dealings between Hawaii and Japan. It means that Japanese charged with crime here may be extradited from Japan and that the mere fact that a Japanese can get safely aboard of a Pacific liner will not assure him freedom from further prosecution.

Adachi's return here will probably mean the complete breaking up of the large hui of Japanese who, it is alleged, have in the past been thoroughly organized in bringing women to Hawaii for immoral objects and collecting large sums of money for the purpose of defending each other when brought into courts on such a charge.

# THE TOURIST CAMPAIGN

## Some Queer Requests Come in the Mail.

The campaign of the Hawaii Promotion Committee is beginning to bring results. There is but a month more of the tourist work under the Territorial appropriation, but the active interest shown by the merchants in the enterprise leads to the belief that the work so well begun will not be allowed to lapse.

The Hawaii Promotion Committee is handling bushels of correspondence every month. Letters are received by every steamer containing inquiries regarding Hawaii, and every inquiry is answered on the first outgoing steamer. So great has the volume of business become that Secretary E. M. Boyd has been compelled to largely increase the staff at work in the correspondence department.

"The committee has given out between three and four thousand pieces of literature within the last four or five days," said Mr. Boyd yesterday. "These embraced five different things, the book Hawaii, issued by the Territory; the booklet issued by the committee on Hawaii, Sereno E. Bishop's 'Beauty Spots of Hawaii,' a small leaflet which is intended for circulation in California exclusively, and the pamphlet by Jared G. Smith on the 'Agricultural Possibilities of Hawaii.'"

"The committee intends to issue two more pieces very shortly, which are intended as follow up books. These will be entitled 'Hawaii, Its Business and Opportunities' and 'Hawaii, Its People and Their Legends.'"

"The committee believes that this is the time of the year to get its literature into circulation. Just now the people in the East are preparing their winter tours, and our matter should be placed in their hands as soon as possible. That is the reason for the employment of the extra force of clerks. The literature is here for distribution and if people call for it they will be given the matter to send away with the wrappers for mailing. We are making every effort to get our material into every hotel, club and bank in the United States, Canada, Mexico and the United Kingdom. Speed is what counts now, and the committee believes there is time like the present for spreading broadcast our literature."

The committee is receiving from thirty to two hundred queries on every steamer. The letters sometimes contain queer requests for information. One man from New Jersey enclosed his photo, said he was a young lawyer, unmarried and looking for opportunities. The inference was that he wanted to know of the matrimonial possibilities of the country as well as of the material resources. Still another man, a wealthy business man from the Middle States, said he intended to come to Hawaii with his family for the winter months, and wanted to know if he should bring along his golf clubs. One applicant wanted to know if there was room here for a good surveyor, still another asked if land can be bought, a third wanted to know the cost of living, still another asked as to employment in foundries. A Nova Scotia man wanted to know what the opportunities were for a grocery, while a New Mexico man was willing to engage in anything from farming to running a store. The inquiries show that the interest in Hawaii is not only by the tourist class, but also that settlers are also considering the possibilities of coming here. Every letter is answered no matter how queer the query.

Considerable of the literature of the committee is given to school children who exchange it with students in mainland schools. Teachers in the States also ask for the literature saying they want to use it in teaching their classes.

The literature is having a wide distribution. Not only is it sent to every State in the Union as well as all the Territories but much of it is going into Canada and Mexico and to Europe. For instance on the mail sent by the China letters went to twenty-six States, three Territories, Canada and Mexico and six countries in Europe. Personal requests for information have come from Germany, England, Ireland, Scotland, Belgium, Denmark, France, Switzerland and Sweden. One request came from Brussels for a quantity of literature, to be used for distribution.

The railroads and steamship companies are helping much to extend the campaign. The Oceanic Steamship Co. has agreed to distribute the literature in New Zealand and Australia and the Union Steamship Co. will carry on the campaign from there. The Canadian Pacific through Mr. Kerr is distributing matter all through Canada and will also assist in the Australian dissemination. The Grand Trunk Line is distributing literature in Southern Canada and about the Great Lakes.

R. P. Schwerin of the Pacific Mail Co. is also assisting in the work. Three thousand copies of the government's book on "Hawaii" were sent to San Francisco on the China, and the Siberia will carry the same number to Japan and China on her next trip to the Orient. The railroads have also promised to include Hawaii in their future publications. Some of the railroads and steamship lines are also following up the advertisements of the Hawaii Promotion Committee in the magazines with ads on the same pages, or opposite pages. One steamship company in San Francisco received as many requests for information as has the committee here. The report of the San Francisco agent also indicates that the demand for information is general in the States, the request for booklets far exceeding the available supply. Secretary Boyd believes that the free advertising already obtained from railroads and through newspaper com-

ment at least equals in value the amount which has been expended by Hawaii.

Mr. Boyd will soon make a report on the affairs of the Hawaii Promotion Committee, as the appropriation by the legislature has been nearly all spent. The advertising up to the first of the year will cost \$6,000, while the cost of printing will amount to \$9,000. This will use up the appropriation of \$15,000, the money being spent only for advertising and printing. The fund raised by the business men has been used in paying the other expenses of the bureau, and it is hoped that with the results already shown there will be no difficulty in securing a continuance of the help of the merchants.

# KUMALAE TRIES TO EXPLAIN

"All the vouchers for the House have been turned over to the grand jury," said Representative Jonah Kumalae to an Advertiser reporter yesterday. "At least that is what the clerk told me. That is he told me and about twenty more who were standing around. I don't know what the grand jury will do; some people say that the Territorial jury will take the matter up. THAT IS WHAT OUGHT TO BE DONE. I don't see what there is to find out. I never got any money from the Territory excepting my salary."

"Do you know anything about the report that the Chinese committee paid \$500 for about \$50 worth of work?" Kumalae was asked.

"I don't remember how the money was spent. Yes, I was chairman of that committee but I can't remember. I was on so many committees—ten or fifteen I believe, and it kept me pretty busy. I think most of it went for translating, though."

"Were you paid for translating for any of the committees?"

"No. I interpreted for some of the committees, where Kaniho and some of the others didn't understand a word of English, but I never got any voucher for it. I never did any translating. I had to attend to my business and my committees so I didn't have time. Besides the members of the Legislature couldn't accept any money."

"What about the report that the House paid thirty dollars for a dozen pens?"

"I guess that must have been for fountain pens. The Sergeant at Arms bought some fountain pens. I guess every member got one. I know I did. Mine was marked \$2.50 so probably that is what the money went for."

"The pens that the Sergeant at Arms presented to each member at the opening of the session?"

"Yes, some of the members asked him to buy them. I know most of the members used fountain pens during the session. I don't know what the Federal grand jury intends to do. They are all through with me and I suppose they will make a report on Monday. I guess nearly all of the bills of the House were paid. The most of it went for translating and printing the Journal."

"This is only an attempt to down the natives, that is all."

# MARSTON CAMPBELL REMAINS IN OFFICE

Marston Campbell, Assistant Superintendent of Public Works under Mr. Cooper's administration of the department, has reconsidered his resignation of the office. He will continue his services under Superintendent Holloway on the same basis of pay as was arranged by Mr. Cooper on the 30th of June, when the regular salary of the position became abolished by the Legislature's action on the appropriation bills. The plan is that of drawing the same amount as the Assistant's former salary out of appropriations for various public works performed under his direction.

The legislative majority evidently did not intend to abolish the office but to freeze out Mr. Campbell, an operation for which they figured six months would be sufficient, as they restored the salary in the eighteen months' appropriation bill taking effect on January 1, 1904.

Mr. Campbell was out with Mr. Holloway on a tour of inspection yesterday afternoon.

## Honolulu Christmas Boats.

The Japanese liner Nippon Maru and the Oceanic steamship Sierra will probably be the vessels on which the bulk of the last of the Christmas mail for the mainland will be forwarded from Honolulu. The former leaves for San Francisco on the following day, and the Sierra leaves the following day. These steamers should arrive in San Francisco on December 29 and 31 respectively. The Nevada is scheduled to leave here on the 19th but the mail, even for San Francisco, would arrive about the day after Christmas.

Honoluluans should not have any fault to find with the number of vessels arriving here Christmas time with holiday gifts, as the Alameda is scheduled to arrive Christmas day. The steamer China is due to arrive from San Francisco on December 18 and the Moana from Victoria on December 19.

## More Depth Needed.

Before work is started on the new Quarantine wharf which is to be built parallel with the Pacific Mail wharf back of Naval Row, much blasting will be necessary to deepen the water. Dr. Cofer recommended to the Washington authorities that this be done by blowing out the coral reef. Soundings are now to be made at the wharf location.

# FIRE CLAIM IS DECIDED

## Judge Dole Makes Disposition of Award.

Judge Dole, in the Federal court yesterday morning, adjudicated one of the fire claim cases brought for the purpose of deciding to whom certain awards of the Fire Claims Commission should be paid. William F. MacLennan, the agent of the United States Treasury sent here to disburse the million dollars voted by Congress, is the plaintiff in these cases and Tong On Kee, sometimes called Tong On, and M. S. Grinbaum & Co., defendants in the suit now decided.

The amount of the award in question is \$456.56 and Tong On Kee made the Grinbaum company his trustee for the benefit of his creditors, the firm holding claims of \$151.05 and \$397.08, a total of \$548.13, against the award. Tong On Kee, with E. A. Douthitt as his counsel, came into court with a request to have the trust cancelled. He claimed to have paid all of his debts excepting what was due M. S. Grinbaum & Co., but this firm, represented by Holmes & Stanley, set up that he still owed debts in China. Tong On Kee produced proof that these were paid.

Judge Dole ordered the full amount of the award to be deposited in court, out of it to be paid, besides the Grinbaum debt, a fee of \$100 to District Attorney Breckons, an attorney's fee of \$250 to M. S. Grinbaum & Co. and costs of court, the balance to Tong On Kee.

Mr. Douthitt thought the costs ought to be divided between the defendants, but Judge Dole held that the Grinbaums had been put to considerable expense, lost whatever commission they might have made if the trust were not terminated and had obstacles placed in their way by the other defendant. Therefore Tong On Kee ought to bear the expense of proceedings besides the attorney's fee, which the court regarded as a reasonable one.

## DIVORCE SUITS.

Judge De Bolt yesterday signed a decree of divorce for Ann Perry against Antoni Perry. The custody of the two minor children is given to the mother.

Shiyolei Nakamoto admits the allegations of his marriage and there being one child thereof living, but denies all the other allegations in his wife Yonli's libel for divorce.

## DEFICIENCY JUDGMENT.

Judge De Bolt signed an order confirming the sale under foreclosure of mortgage in the suit of John M. Dowsett, trustee, vs. Grace A. Brown. The property was sold for \$2500, of which the net amount applied to the debt was \$2614.65, and the order included deficiency judgment entered against the respondent for \$970.85.

## PARTNERSHIP CASE.

Judge De Bolt yesterday morning further heard the bill for dissolution of partnership of Albert Barnes vs. Charles R. Collins, W. A. Whiting and C. F. Clemens for plaintiff, W. T. Rawlings for defendant. On the resting of plaintiff a motion by defendant to dismiss the bill was denied. More evidence being taken the case was continued till next Saturday.

## ANSWER FROM MINNESOTA.

James Keating answers from Hastings, Minnesota, the suit for partition against himself and Robert Keating brought by Frances Keating, widow of deceased, with relation to the estate of the late William Keating. He states that the parents of the deceased, Robert and himself are dead, and that his brother William left no brothers nor sisters, nor living issue of any brother or sister, except the two defendants named. He consents that the real property belonging to the estate of his late brother be sold as prayed for and distributed to the heirs at law as provided by the statute of descent.

## AN APPEAL.

Judge Robinson denied the motion for a new trial of Kapolani Estate, Ltd., vs. J. G. Farla, H. E. Cooper gave notice of appeal to the Supreme Court and twenty days from the completion of transcript of evidence was allowed to file exceptions.

# GRAND JURY AND VOUCHERS

The Federal Grand Jury have succeeded in digging up those missing vouchers, and it is hinted that their contents will make excellent pavement on the road which leads to the State's Prison. The native Hawaiians should take the lead in demanding the punishment of any Hawaiian who has been found guilty in the matter, because it is too common a charge that Hawaiians cannot be trusted to handle money entrusted to their keeping, a sad illustration of which recently occurred in the Puunene postoffice. It is for the Hawaiians themselves to establish a reputation which will wipe out past stains, and prove themselves worthy of being implicitly trusted in fiduciary capacities.—Maui News.

The new woman's quandary: "Yes," the new woman remarked, "I am greatly troubled." "By what?" "Well, I want to get married just to prove that I can, and I don't want to get married just to prove that I don't have to. If I don't they'll say I can't; if I do, they'll say I have no more independence than any other woman."—Chicago Post.

# KAMEHAMEHA IV'S REIGN

## The Anniversary of His Death Recalls Many Notable Events.

Today marks the anniversary of the death of King Kamehameha IV, during whose reign, from 1855 to 1863, many notable events in the history of the Islands took place, included in which were the establishment of a number of charitable and Christian enterprises whose influence is of no small amount at this time.

It was Kamehameha IV who established the Anglican Church in Hawaii as the state church, and also endowed the Queen's Hospital. St. Andrew's Cathedral is the fruit of his efforts to establish the English church in the Islands. It is a significant fact that the king died on St. Andrew's Day. Memorial services will be held at the church today.

Kamehameha IV took the oath to support the constitution January 11, 1855, when he was twenty-one years of age. During the first year of his reign the king made an effort to conclude a treaty of reciprocity with the United States by which Hawaiian sugar, coffee, wool, hides, etc., were to be admitted into the United States ports free of duty. The United States Senate did not ratify the treaty and it was not passed until twenty years later.

In 1857 Captain John Patsy annexed to Hawaii the Islands of Laysan, Lisianski and other small islets to the northwest.

The king was married on June 19, 1856, to Emma Rooke, granddaughter of John Young, and the adopted child of Dr. Rooke. Kamehameha IV and Queen Emma laid the corner stone of the present Queen's Hospital in 1860 and had the satisfaction of seeing the building completed and ready for occupancy by the end of the year.

In December, 1859, the king and queen began negotiations for a clergyman of the English church to come from England to Honolulu to act as chaplain for the royal family, they guaranteeing a certain sum annually toward his support and to give a site for a church. The king wrote personally to Queen Victoria on the subject, and the Hawaiian consul general at London was also requested to assist in the matter. The Right Rev. T. N. Staley was consecrated in London as Bishop of Honolulu in December, 1859, and with other clergymen arrived at Honolulu October 11, 1862. The Bishop received the king and queen into the communion of the church. A temporary cathedral was erected and the Iolani College and St. Andrew's Priory were established. The king translated the English Book of Common Prayer into the Hawaiian language.

During his reign the old fort on lower Fort street was demolished, and from 1856 to 1860 the government was at work filling up the harbor, or "making land," from the site of the old fort to the present wharves of the Pacific Mail Co. and Wilder Company, the work costing \$242,000. The prison was built in 1856-7; the present custom house was erected in 1860; the steamer Kilaua started on her first regular trip from Honolulu to Hawaii on July 24, 1860. The rice industry assumed large proportions in his reign, and in 1862 about 923,000 pounds of rice and paddy were exported.

# PIONEER MILL BEGINS GRINDING

The regular grinding season commenced at the Pioneer Mill on Monday morning.

Principal McDonald, of the Lahaina-Luna Industrial school, is convalescent from an attack of the dengue fever.

Mr. Wren Westcott and three other young men from Puunene have been visiting friends in Lahaina. Mr. Westcott gave a very acceptable recitation at the kindergarten entertainment.

Miss N. A. Holden's concert in aid of the Kindergarten was a gratifying success last Saturday evening. Every seat was occupied, the audience was select, and the program was quite entertaining. The vocal and instrumental music was of a high order, and the singers and performers fully deserved the generous applause which they received. About \$40 was netted for the benefit of the school.

Mrs. Ford had a very auspicious opening of the Lahaina Emporium last Saturday afternoon and evening. They have a choice collection of attractive goods. Ice cream will be on sale every Tuesday, Saturday and Sunday afternoon and evening.—Maui News.

## CHILDREN LIKE TO TAKE IT.

The finest quality of granulated loaf sugar is used in the manufacture of Chamberlain's Cough Remedy, and the roots used in its preparation give it a flavor similar to maple syrup, making it quite pleasant to take. Children like to take it and it has no injurious after effect. It always cures. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

# JUDGE DOLE RENDERS HIS FIRST OPINION

Judge Dole rendered his first written opinion, as presiding in the District Court of the United States for the District and Territory of Hawaii, yesterday morning. It was a ruling on a motion to quash the indictment in the case of The United States vs. Torazo Miyamura.

The decision is a model of conciseness, going to the root of the question at the outset. Technicalities raised to defeat the indictment are answered in plain statements of the law and the entire absence of citations other than one of the statute involved is refreshing in these days of book law deluge. Following is the complete text of the opinion:

## RULING ON MOTION.

The first objection, i. e. that the "indictment charges this defendant with the commission of two separate and distinct felonies in the two counts" is answered by Section 1024, Revised Statutes:

"When there are several charges against any person for the same act or transaction, or for two or more acts or transactions of the same class or crimes or offenses, which may be properly joined instead of having several indictments, the whole may be joined in one indictment in separate counts; and if two or more indictments are found in such cases the Court may order them to be consolidated."

The two counts are presumably based upon the same transaction. If it should appear during the trial that this was not the case, but that there were two transactions connected together, or that there were two separate transactions according to the several descriptions of the two counts, the indictment would still be within the statute, in that the two offenses charged are of the same class of crimes, i. e. peonage and slavery, both involving

involuntary servitude as their main feature and being the status which the statutes relating to both offenses were intended to cure.

The second part of the motion asks that the second count of the indictment be quashed on the ground that the same does not state sufficient facts to constitute a crime under the laws of the United States. The requirement in regard to sufficiency is briefly that the offense shall be so fully stated that the accused may know with what he is charged, and that a judgment may be pleaded in bar to a subsequent prosecution for the same offense; subject to this requirement, in purely statutory offenses where the statute sets forth all the elements necessary to constitute the offense, it may be sufficiently charged in the words of the statute.

This law applies to the issue raised by defendant's counsel in relation to the second count, which describes the offense in the words of the statute and alleges facts of time, place and the name of the person charged to have been held in involuntary servitude, sufficiently to constitute a crime under the United States laws.

The motion to quash is overruled on both points.

In the absence of any special averments in the second count, of the place where the offense charged was committed, beyond the general allegation that it happened in the District of Hawaii, and of the nature of the involuntary servitude charged, the defendant may have, if he so desires, a bill of particulars on those points.

SANFORD B. DOLE, Judge.

The rule of three: "One week from today, Uncle John, I will be a married man. Yes, in seven short days I will be initiated into the mysteries of matrimony." "No mystery about it, my boy. It is just the plain, simple rule of three." "Rule of three? Eh—what three?" "Wife, mother-in-law, and hired girl."—Kansas City Journal.







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## GOVERNMENT'S POLICY TO BE MAPPED OUT TODAY

**First Meeting of Governor's Appointees to Discuss the Future of the Territory. Executive Council a Thing of the Past.**

(From Monday's Daily.)

The Executive Council will hold its first and probably last meeting with Governor Carter this morning at eleven o'clock. At this meeting the future policy of the government will be mapped out as far as it is possible to do so at present. All the members of the council will attend this first meeting excepting Treasurer Ke-poikai.

"There will be a meeting of the Heads of Departments at eleven o'clock tomorrow morning," said Governor Carter last evening. "It is the intention to map out the policy of the government so far as is possible at this time. This will be my first meeting with the heads of departments. No, Mr. Ke-poikai has not been asked to attend. He was not one of the men appointed by me and I do not consider him one of the official family.

"It is not my intention to have weekly meetings of the heads of departments. Instead it will be my policy to appoint a certain hour for each official, at which he may report to me personally and at which time the affairs of his department can be discussed.

"The inaugural ball has been fixed for a week from Tuesday. The present invitation list is not entirely satisfactory. There are too few Hawaiians upon the list, and I am anxious to get additional names."

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## HARD UP FOR JURORS

**Murder Case from Kauai. Judge De Bolt Has Caught Up.**

With eleven jurors in the box for the Jones murder trial, and eight challenges for the defense and two for the prosecution to come, Judge Gear was confronted with an exhausted list of citizens drawn for jury duty this term at the close of yesterday's session.

The court was in a quandary as to the course he might pursue in this situation. It was doubtful whether an open venire for talesmen from the body of the district could be issued under the new law relating to juries. An alternative was suggested of drawing upon the jury panels assigned to Judges De Bolt and Robinson, with the probability that these would also be exhausted before the last peremptory challenge was exercised. A last resort would be to enter a mistrial and change the venue of the case to another Circuit.

### CHANGE OF VENUE.

By a change of venue from the Fifth Circuit, Kauai, a murder case comes thence to Honolulu next term. This is that of Yoshikawa Dengiro, sentenced to death for murder of his foster father at Kapaa by Judge Hardy on September 13, 1902. The Supreme Court in June last found error in the Judge's charge to the jury, from omission of any statement of the defendant's evidence in his own behalf though uncontradicted, and ordered a new trial. Charles Creighton, counsel for the defendant, received word yesterday that his motion for a change of venue had been granted by Judge Hardy last Friday. It was changed to the First Circuit for the January term.

### THE KAUAI TERM.

The Fifth Circuit Court will open December 23 and take up jury-waived cases. On December 28 the grand jury, and on January 4 the first jury will appear before Judge Hardy.

### BUSINESS CAUGHT UP.

Judge De Bolt held no jury trial yesterday. All cases set for trial up to date had been disposed of, and cases for later dates could not be taken up. Judge De Bolt believes he can wipe out his share of the calendar and have a vacation of two weeks before the close of this term.

Judge Robinson's jury is excused until tomorrow. Clerk Simonton yesterday posted the following notice to attorneys:

Civil causes which have been answered ready for trial before the Honorable W. J. Robinson, Third Judge, will be called on Wednesday, December 2, A. D. 1903, at 10 o'clock a. m., and will be taken up and tried in order, unless sufficient cause is shown by affidavit for a continuance. Following are the numbers of the cases which have been answered ready: 174, 176, 182, 192, 202, 206, 210, 212, 219, 220, 224, 230, 234, 236, 238, 242, 244, 248, 250, 252, 253, 264, 270, 276, 278, 282, 284, 288, 296 and 304. Cases specially set: No. 281, Dec. 14, 10 a. m.; No. 160, Dec. 14, to follow No. 281.

### DIMOND'S ESTATE.

J. W. Jones, S. H. Derby and M. T. Simonton, appraisers of the estate of the late William Waterhouse Dimond, have returned a valuation of \$55,622.03. Of this \$25,000 represents life insurance and \$3000 stock in W. W. Dimond & Co., Ltd.

## QUEER WORK ILLUSTRATED

(Continued from page 1.)

cepted on his own recognition, without a surety, by Judge Dole. Hakuole furnished a bond with Moreno K. Hui and S. Mahelona as sureties.

### THE JURY DISCHARGED.

Judge Dole discharged the grand jury with the following remarks: "Gentlemen of the grand jury, your thorough report has informed me more fully in regard to the conditions touched upon than was known to me before. I appreciate the work of this body and the importance of the duties drawn to your attention by my predecessor.

"I wish to thank each member of this grand jury for the work done on these matters of greatest importance to the Territory, matters so closely concerned in the protection of the public. "Your work in one direction helps to assure the proper guarding of public morals and, in another, the protection of the tax-payer against wastefulness and the unlawful taking of public funds.

"You have gone into these matters thoroughly in your investigations. Your report will prove of the greatest value to officials in looking further into matters in which your body has no authority.

"For the court, gentlemen, and for the public, I thank you for your work. Your body is now discharged for the term."

## STEAMERS ARE LIABLE

**Investigation of Aliens in Territory Is Completed.**

F. M. Bechtel, Inspector of Immigration here, has completed the collection of data for a report upon indigent or criminal aliens in Territorial institutions and will send it on to Washington, on the first steamer.

He has now visited all the islands of the group and is compiling his report. The instructions of Commissioner General Sargent under which Mr. Bechtel is working indicate that the Territory can hold the steamship companies liable for aliens in prisons or jails, while private institutions can make the same claim. The instructions say:

In prior to landing cases the cost of maintenance, at rates agreed on between the institution making the charges and the bureau, from the date the case is first reported to an immigration officer until deportation takes place, is a proper charge against the steamship or line by which the alien reached this country. Bills against the proper vessel or company, fully itemized, rendered in duplicate and properly receipted, stating the name of the alien, shall be forwarded to the bureau of immigration, through the same immigration official to whom the case was originally reported, for collection of the account and transmission of proceeds to payee. In subsequent to landing cases, rule 17 of the immigration regulations provides that, within the period of one year from landing, the charges incurred for care and maintenance will only be paid by the bureau of immigration at fixed rates agreed upon. Institutions desiring to avail themselves of the benefit of this circular shall submit to the bureau of immigration, through the nearest immigration officer, a scale of charges for the maintenance and treatment of diseased and dependent aliens, which scale shall be approved by the bureau before payment is authorized in any case. Particular attention should be invited to the fact that aliens who become public charges from causes arising subsequent to landing cannot be deported except by their own consent (which fact must be stated in original report of the case), and the entire expense of delivery at the seaport from which deportation is to take place must be defrayed by the state, county or municipality, as the case may be, since it is not a proper charge against the government.

## THE ALLEGED MOSQUITO PLANT

Is there or is there not an African plant that has the property of driving away or stupefying mosquitoes? This question has been exercising people in England since last spring, when the discovery of such a plant was announced by an English army officer. The existence or absence of such virtues in the plant, which is a variety of basil (Ocimum viride), has been discussed ever since in the columns of The Times (London), with more or less acrimony. Says The Scientific American Supplement, which gives an abstract of the controversy:

"Last April Captain Larymore, the British resident in Northern Nigeria, published a letter in which he asserted that by placing two or three pots of 'mosquito-plant' in each room of a house, and others along the windward side of the veranda, the place could be kept practically free from mosquitoes. He described an experiment he had made, which showed that a mosquito enclosed within a leaf of the plant became stupefied, and he added that an infusion of the leaves of the plant was held by the natives of Northern Nigeria to be more efficacious than quinine as a remedy for malarial fever. Captain Larymore suggested that the plant should be used in barracks in India.

"Sir George Birdwood, the well known naturalist, wrote a day or two afterward that allied basil plants had been known from time immemorial as a defense against mosquitoes and as a prophylactic in malarial districts throughout India. He related how, when the Victoria Gardens were being constructed in Bombay, the men employed in the work were so pestered by mosquitoes and suffered so greatly from malaria that, at the suggestion of the Hindu manager, the whole boundary of the gardens was planted with 'holy basil' and any other basils which were at hand, with the result that the plague of mosquitoes was at once abated and the malarial fever disappeared from the gardeners and others at work on the grounds."

Experiments were shortly after this made at the Kew Botanical Gardens, near London, with a growing specimen of the plant that had been brought to England by Captain Larymore; but the officials there, although much interested in the captain's statement, became convinced that there was no foundation for them. The director of the Gardens, Sir William Thistlethorn-Dyer, wrote to The Times on July 24, enclosing a report made to the governor of Sierra Leone by Dr. Prout, the principal medical officer of the colony. Dr. Prout gave details of experiments with a dozen mosquitoes and the "mosquito-plant," in which there was absolutely nothing to show that the plant had any effect in driving away the insects. Sir William, in his introductory letter, made some sarcastic observations on "easy empirical" remedies, and The Times, in a leading article, declared that the "mos-

quito-plant" had been shown to be "utterly useless." Captain Larymore and Sir George Birdwood, however, scout the idea that they have been victims of a delusion, and both have written to The Times declining to withdraw their statements as to the efficacy of the basil. To quote again:

"Both pointed out that experiments with single pots of the plant and a few mosquitoes could not be regarded as conclusive, and Sir George Birdwood said the real question was the weight of Captain Larymore's practical experience against Dr. Prout's experiments. In a letter dated August 2 Captain Larymore said:

"I think it unfortunate that the superficial experiments with a dozen mosquitoes, which were conducted in Sierra Leone, should have been accepted as conclusive evidence that the plant in question does not possess the properties ascribed to it.

"1. The plants employed may possibly not have been the same ocimum used and referred to by me.

"2. They may not have recovered after transplanting—mine were three to four months regaining their full foliage.

"3. The well known powerful smell of ripe bananas may have negated the scent of the plant in so small a space as the mosquito-net cages mentioned.

Natives from time immemorial have held that the plant does possess the properties I have ascribed to it, and the original cause of this becoming sacred in India, where it is still worshipped, was doubtless due to this fact.

"I must again repeat that the particular ocimum given me by the natives in Northern Nigeria does possess the power of driving away mosquitoes, especially a healthy plant with its leaves bruised. My wife, who was with me, invariably used the leaves at night under open-worked stockings to protect her ankles, and at dinner the complete immunity enjoyed by her was very obvious indeed. In any case, I shall always make a point of having a hedge of the plant, if possible, in every garden I own in the tropics, and can only recommend those who are anxious and willing to add to (not necessarily take from) the security of mosquito-netting and quinine, to do likewise."

## DOLE'S CONDITION MUCH BETTER

Charles Dole, who was thrown from a polo pony on the Pali road on the Koolau side of Oahu on Saturday afternoon, is resting easily at the residence of Edgar Henriques, Nuanu Valley. Mr. Dole was in a semi-stupor all day yesterday, although rallying sufficiently to open his eyes at intervals, and saying "Yes" and "No." He became unconscious at 3 o'clock Saturday afternoon.

Drs. Cooper and McDonald, who are attending the injured man, are hopeful for his recovery and return to full consciousness in a short time. Concussion of the brain seems to be the only cause of his present condition, as the skull was not fractured.

Mr. Dole will remain at Mr. Henriques' home until he recovers, as the neighborhood is quiet, with cool breezes and everything in nature to assist.

## ARMY AND NAVY AT PEARL HARBOR

General MacArthur, U. S. A., Mrs. MacArthur, Captain B. Parker West, aide to General MacArthur, were the guests of Admiral Terry yesterday on a cruise in the U. S. S. Iroquois to Pearl Harbor. There were also aboard Mr. and Mrs. Requa of Oakland, Cal., Mrs. Severance, Mrs. Walbridge and A. L. C. Atkinson. Captain Rodman was in command of the tug.

The tug left the Naval Dock shortly after 10 a. m., and made a quick run to Pearl Harbor. General MacArthur had a splendid opportunity to inspect the several sites for buildings, general Navy Yard and docks.

## BIDS FOR DREDGING THE HARBOR

The Superintendent of Public Works yesterday opened bids for the dredging of sections 1 and 2 of Honolulu harbor. There were three bids put in, namely, Atlantic, Gulf and Pacific Co., Hawaiian Dredging Company and Cotton Bros.

### Shipping Notes.

The German bark Solide is taking on ballast at the Railway wharf, and will probably receive orders to sail in a day or two.

The Gerard C. Tobey is at the Sorenson wharf where she will discharge a cargo of bricks. She will take on a small amount of sugar as ballast and sail for San Francisco next week.

The Nevada will sail direct from Kahului after leaving Honolulu. She will start from San Francisco again for Honolulu on December 18. The vessel is due from San Francisco this morning, with mail and freight.

The ship George C. Curtis is at the Oceanic wharf, and will take on a sugar cargo from the Mauna Loa today. The Nihau will also bring back a few thousand sacks of sugar from Punaluu which will be loaded into the Curtis.

Economy.—Husband: "My dear, I thought we were going to practice economy for a time?"

Wife: "So we are, dear. I have just countermanded the order you gave your tailor for a suit, and bought a bonnet that cost only half the amount." —Tit-Bits.

## ANDREWS ON THE VOUCHER SCANDAL

The present Territorial grand jury will not continue the investigation of the Legislature, but the matter will be taken up in January as soon as the next term of court opens and a new grand jury is called. The principal objection to the present jury taking up the work is the fact that at least two of its members are among the men mentioned by the Federal Grand Jury as having profited by the graft in the Legislature and who would therefore be disqualified. These men are Charles Wilcox and T. R. Mossman and they constitute just a sufficient number to prevent any indictment from being returned, as of the remaining twelve members, the number necessary to secure an indictment, one is ill—Mr. Bindt. He may have to have an operation performed which would prevent him from acting during the remainder of the term.

Another objection, even if there was no disqualification of jurors, is that the investigation could not be finished by the time the jury's term will expire by limitation of law. The present term ends the first of the year and by the time the legislators could be brought over from the other islands the term would be over.

The charges against the legislators will in all probability be the first and most important work which the newly elected district attorney, W. T. Rawlins, will take up when he enters office. After the first of the year the Attorney General will no longer be concerned in prosecutions and the county attorneys will be required to do this work. A conference has been arranged for this morning between Mr. Rawlins and Mr. Andrews at which time the voucher scandal will be discussed and a line of policy decided upon. "I have consulted with Mr. Rawlins, the newly elected county attorney in regard to the Federal jury report on the legislature," said Mr. Andrews yesterday, "as the matter if brought before the Territorial grand jury will consume a large amount of time, owing to the necessity of bringing witnesses from the other islands, and the investigation would probably not be finished before the county attorney takes over the work of prosecuting attorneys. The great difficulty is that the Territorial grand jury now has on its shoulders, because of Judge Gear's infamous crime decision, an extra large amount of work which keeps the jury busy with the present criminal calendar as it is turned out in Honolulu and other districts. To stop now in the midst of this work and commence an investigation of the magnitude of the vouchers of the House, would require an entire cessation of this criminal work. This term has already been prolonged since September, including three sessions of the Supreme Court, placing a large amount of work upon the Attorney General's department, which has kept all the members of the legal staff busy in the various courts on criminal and civil matters.

"We will however take immediate steps looking towards the bringing of any legislative charges before the Territorial grand jury as soon as matters are regulated. The term has been extended far beyond the ordinary but will be terminated by the first of the year. At that time this office will no longer be the prosecuting department in the Territory, and therefore the question for us to consider is whether to begin the investigation to run into the new regime, or whether merely to prepare the cases for presentation and turn them over to the county attorney. We will do what is least embarrassing to the county attorney and Mr. Peters and myself will meet with Mr. Rawlins tomorrow morning and decide what course to pursue. The department is of course ready to render every possible assistance to Mr. Rawlins when he takes up the investigation."

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## BECKLEY SAYS IT'S A SCORCHER

"It's a scorcher," said Speaker Fred W. Beckley yesterday in response to a request for his opinion of the grand jury report on the House of Representatives. "But it is a good thing," the Speaker continued. "It will teach future legislatures a lesson and there won't be such grafting in the next House."

"The Territorial grand jury should continue the investigation now. It should be pushed to the end to fix the responsibility on the members who made such corruption possible. As it is the report casts suspicion on every member of the House and the Territorial grand jury should now ferret out the guilty members of the House."

"I lost control over the clerk early in the session. At the beginning a prerogative of the Speaker was the approval of clerks to committees and appointments of minor officials. But the thirteen Kumalee Republicans took that matter out of my hands, and placed it with the committee chairman at the start. It was probably just a part of the game, this action. I had all I could do to keep the House together during the session, and was on the point of resigning the speakership more than once. I am pleased to see the investigation carried as far as it has been and only hope that the Attorney General will now carry it through to the end."

Not What She Expected.—Lady (of uncertain age): "I have put your seat next to mine, Mr. Rawlinson; I hope you do not mind?"

Mr. R.: "Mind, my dear lady; you know how little it takes to satisfy me." —Tit-Bits (London).



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JUDGMENT FOR  
INCOME TAXES

Judge Dickey heard about thirty tax  
cases yesterday. They were suits  
brought by Assessor Pratt against peo-  
ple who failed to pay their income  
taxes. W. S. Fleming prosecuted the  
suits for the Attorney General's De-  
partment. In all of the cases there  
was a default and Judge Dickey entered  
judgment for the amount of the tax  
and also cost of advertising, penalty,  
interest and costs of court.

A Remarkable Specimen.—"Oh, pro-  
fessor, I saw such a curious old fossil  
in the museum today. I thought of you  
at once."—Boston Globe.

BLISS WAS  
VERY BRIEF

The Bride Mistreated on  
Her Wedding  
Day.

Marriage was a dire failure for Car-  
oline Frieda Kjubbe, if the allegations in  
a divorce bill filed yesterday are  
true. She was only married to Louis  
Knubbe a little more than a month  
ago and says that he began to mistreat  
her the very day of their marriage.

The libel sets out that they were mar-  
ried by Rev. W. Felmy in Honolulu on  
October 1st of this year. The com-  
plaint then alleges:  
"That the libellee on and since the  
first day of their marriage has been  
guilty of extreme and brutal cruelty  
towards this libellant at divers and  
sundry times, to wit, on the 1st day  
of October, 1903 (the wedding day),  
said libellee did assault libellant by  
seizing and beating her and in other  
ways ill-treating her whereby she suf-  
fered great bodily and mental suffer-  
ing. That on to-wit the 25th day of  
October, 1903, the said libellee did cru-  
elly and brutally assault said libellant  
by throwing her down and brutally  
ill-treating her." Further brutal treat-  
ment is alleged on the 31st of October,  
and complainant finally left her hus-  
band on the 11th of November, going  
to live with her aged parents.

The libel further sets out that the  
libellee is employed as a mechanic at  
the Honolulu Iron Works, earning a  
good salary and is able to provide  
for the libellant. Absolute divorce and  
alimony are asked.

REGISTERED MAIL  
WAS DESTROYED

A bag of registered mail was de-  
stroyed in the California wreck of a  
month ago, some of it sent by Honolu-  
lu parties. The local inspectors are  
now getting evidence of the contents  
and value of the packages burned in  
the destruction of the mail coaches, to  
be sent to Washington. The new post-  
al regulations provide an indemnity  
up to \$25 for destroyed registered  
mail, and the Department makes good  
all losses under that amount.

SOLACE MAY HAVE  
AMMUNITION

It is expected that the naval trans-  
port Solace which has been ordered to  
join the Asiatic fleet at Honolulu will  
bring ammunition for the vessels in  
the squadron.

It will be remembered that just prior  
to the Spanish war the Mohican was  
ordered to Honolulu in a hurry. She  
was supposed to have ordinary stores  
aboard, but the cruiser Baltimore came  
soon from Yokohama and took aboard a  
good many tons of ammunition for  
Dewey's fleet, then rushed back to the  
Asiatic station joining the fleet again  
at Hongkong. The ammunition came  
in handy at the famous battle of Ma-  
nila.

STEAMSHIP WAR  
STILL CONTINUES

The Tokyo Asahi reports that the  
Nippon Yusen Kaisha and some Ameri-  
can steamship companies have lowered  
their freightage on fancy matting and  
miscellaneous goods bound for Ameri-  
ca to one cent per pound and \$8 per  
ton respectively. This step was di-  
rected, the paper adds, against the  
Pacific Mail Steamship Company, the  
Occidental and Oriental Steamship  
Company and Toyo Kisen Kaisha,  
which even at this time when their  
competition with the China Merchant  
Steamship Company has practically  
come to an end, continue to enforce a  
reduced freightage for America to the  
detriment of the other companies.

MARINE GUARD  
FOR HONOLULU

The Navy Department has called for  
one hundred marines to go to Honolulu  
and for thirty for duty in Samoa.  
These were well nigh ready for leaving  
when the troubles on the Isthmus  
broke out and a hurry call was sent  
for marines. As a result is now im-  
possible to send more than one hun-  
dred marines to Honolulu without  
stripping the barracks at home. In the  
Philippines Rear Admiral Robley  
D. Evans, commander of the Asiatic  
Station, has repeatedly advised the  
Navy Department that the Far East-  
ern situation demands the retention  
at Olongapo of a force of at least one  
thousand five hundred marines. Under  
the present conditions this is impos-  
sible. A force of sixty-five marines  
will leave San Francisco for Guam  
early in December. How soon it will  
be necessary to call on Congress to  
relieve the situation is not certain, but  
officers of the Army and the Navy  
alike agree that such an increase  
should soon be authorized if the im-  
portant work which has devolved upon  
the Marine Corps in the past be ex-  
pected of them in the future.—Army  
and Navy Journal.

Mrs. A.—"Your husband smoking  
again! Why, I thought you insisted  
that he should give it up." Mrs. Z.—  
"I did, dear, but then I found such a  
pretty smoking-jacket at a bargain  
sale."—Chicago Daily News.

TAKEN IN BATTLE  
THE THRILLING EXPERIENCE OF  
CAPTAIN WESTBROOK.

For a Year After His Capture He Was  
Moved From One Prison to Another  
and Was Finally Exchanged.

A Confederate force under command  
of Brigadier-General John A. McAus-  
land had attacked on July 3rd, 1864, a  
blockhouse ten miles west of Martins-  
burg, W. Va. Captain N. S. Westbrook  
with the remnants of Companies B and  
F of the 125th Ohio Volunteers, made a  
gallant defense, but when a six-gun  
battery was brought to bear upon his  
position further resistance became a  
useless sacrifice of life. For a year  
after his surrender, Captain West-  
brook, who now lives at Ripley, Ill.,  
was confined in Southern prisons. In  
telling his experience, he says:

"They took me from one place to an-  
other till I had been in nearly all the  
prisons of the Confederacy and, by the  
time I was exchanged at Annapolis in  
the spring of 1865, I was reduced to a  
physical wreck. The exposure caused  
sciatic rheumatism which became  
chronic and did not leave me until  
thirty years afterward when I took  
Dr. Williams' Pink Pills for Pale Peo-  
ple and was cured.

"The disease affected my entire sys-  
tem. In addition to the agonies of the  
rheumatism I had indigestion in its  
worst form, together with kidney trou-  
ble and heart failure. I was getting  
thoroughly used up."

"How did you come to take Dr. Wil-  
liams' Pink Pills?" was asked.

"A neighbor of mine, James M. Stout,  
was cured of rheumatism by this rem-  
edy when he was so bad that he could  
not straighten up. So I thought what  
cured him would cure me. And I was  
right."

Rheumatism is a disease of the blood.  
External applications may afford tem-  
porary relief, but to cure the disease it  
is necessary to treat it through the  
blood. Dr. Williams' Pink Pills for  
Pale People go directly to the seat of  
the disorder, purifying and enriching  
the blood by eliminating poisonous ele-  
ments and renewing health-giving  
forces. They are a positive specific not  
only for rheumatism, but for all dis-  
eases arising from poor blood or weak-  
ened nerves. They are sold at fifty  
cents a box, or six boxes for two dollars  
and a half, and may be had from all  
druggists or direct by mail from Dr.  
Williams Medicine Company, Schene-  
ctady, N. Y.

GAELIC MAIL TO BE  
HELD FOR FLEET

Admiral Terry yesterday received  
from Admiral Evans, commanding the  
Asiatic squadron, a cablegram request-  
ing that mail for the vessels of the fleet  
coming to Honolulu be taken from the  
Gaelic which is due from San Francisco  
Tuesday. Admiral Evans cables the  
names of the battleships Kentucky,  
Oregon and Wisconsin, and the cruis-  
ers New Orleans, Albany, Raleigh and  
Cincinnati as the vessels for which he  
wants the mail held, giving the first  
official information of what warships  
are coming to Honolulu.

It is the opinion about the naval sta-  
tion that the fleet has either sailed for  
Honolulu or will leave Yokohama with-  
in a day or two. It is the custom to  
send the notification regarding the  
mail only the last thing before sailing.  
To get here December 15th the fleet will  
have to get away within a very short  
time.

The official navy list gives the per-  
sonnel and equipment of the seven ves-  
sels comprising the fleet coming to Ho-  
nolulu as follows:

Rear-Admiral Robley D. Evans, com-  
mander-in-chief.  
Lieut. Frederick L. Chapin, Flag  
Lieutenant.  
Lieut. Thomas Washington, Aid.  
Lieut. (junior grade) Frank E. Evans,  
Aid.

Kentucky—(Flagship of Commander-  
in-chief)—First class battleship, 22  
guns, 11,525 tons, 12,318 horse-power,  
twin screws. Captain Robert M. Berry,  
commanding.

Wisconsin—(Flagship of Commander  
of Northern Squadron)—First class  
battleship, 18 guns, 11,525 tons, 10,000  
horse-power, twin screws. Captain  
Will Seabee, commanding.

Oregon—First class battleship, 16  
guns, 10,288 tons, 11,111 horse-power,  
twin screws. Captain William T. Bur-  
well, commanding.

New Orleans—Protected cruiser, 10  
guns, 3,437 tons, 7,590 horse-power, twin  
screws. Captain John A. Rodgers,  
commanding.

Albany—Protected cruiser, 10 guns,  
3,427 tons, 7,500 horse-power, twin  
screws. Commander John A. Rodgers,  
commanding.

Raleigh—Protected cruiser, 11 guns,  
3,213 tons, 10,000 horse-power, twin  
screws. Commander Arthur P. Nazaro,  
commanding.

Cincinnati—Protected cruiser, 11 guns,  
3,213 tons, 10,000 horse-power, twin  
screws. Commander Newton E. Mason,  
commanding.

A SORE THROAT may be quickly  
cured by applying a flannel bandage  
dampened with Chamberlain's Pain  
Balm. A lame back, a pain in the  
side or chest, should be treated in a  
similar manner. For sale by all dealers  
and druggists. Benson, Smith &  
Co., Ltd., Agents for Hawaii.

Considerate.—"We'd like to have you  
stay a little longer, Bridget."  
"O'd loike to meself, mum, but how  
w'd the employimint agencies make a  
living if we cooks didn't move once in  
a while?"—Woman's Home Companion.

A Progressive.—Teacher: "Now then,  
what do we mean by composition?"  
Little Girl (eagerly): "Please, Miss,  
composition is the art of bringing sim-  
ple ideas into complication."—London  
Punch.

INSURANCE  
LAW FIGHT

Fidelity Co. Does  
Not Accept  
Ruling.

Deputy Insurance Commissioner Geo.  
E. Smithies is in controversy with the  
Fidelity Insurance Co. regarding its  
purported compliance with the insur-  
ance law of last session of the Legis-  
lature. It is in the matter of the pro-  
vision that every insurance company,  
before doing business in this Terri-  
tory, shall have at least \$50,000 paid-  
in capital, which is construed to in-  
clude available assets to that amount.  
In the return of the Fidelity its assets  
are given as follows:

Ready ..... \$ 69,412.50  
Sundry property ..... 47,000.48

Total ..... \$116,412.98  
Mortgage on property ..... 15,000.00

Net value of assets ..... \$101,412.98

Deputy Smithies investigated this  
valuation with the result here shown  
as his estimate of the Fidelity's actual  
standing:

Ready ..... \$49,728.00  
Sundry ..... 3,728.83

Total ..... \$53,456.83  
Mortgage ..... 15,000.00

Net value of assets ..... \$38,456.83  
Amongst the ready are many Kaimu-  
kuli lots, and the sundry includes  
shares of the Honolulu Investment Co.  
The latter is put down as worth \$80 a  
share by the Fidelity Co., but outside  
holders of shares cannot sell the stock  
for a tenth of that price. The Fidelity  
Insurance Co.'s articles of incorpora-  
tion, filed in March last, gives its cap-  
ital stock at \$50,000 with the privilege  
of increase to one million. Emmett  
May held 4960 shares of a par value of  
\$10 each, while ten shares each were  
held by A. V. Gear, W. R. Farrington,  
W. M. Minton and Thomas E. Wall.  
Three weeks after incorporation the  
company notified Treasurer Kepoakali  
of an increase of capital to \$200,000,  
and on July 15 notice was given that  
5000 more shares had been subscribed,  
making \$100,000 subscribed, of which  
\$55,000 was paid up.

From the following letters it will be  
seen that the company sets up the con-  
tention that its business of giving se-  
curity on bonds is not insurance, there-  
fore not subject to the provisions of the  
insurance law, also notifying the  
Deputy Commissioner that it will not  
do any insurance business under his  
certificate of authority:

Honolulu, H. T., Nov. 23rd, 1903.  
Mr. Geo. E. Smithies, Deputy Insur-  
ance Commissioner, Honolulu.

Dear Sir: We beg to call your atten-  
tion to the fact that going on Bonds  
or issuing Surety Bonds on individuals  
is not insurance, and therefore any  
Surety on Bonds we may wish to ex-  
ecute or become responsible for on any  
individuals does not come under, or is  
it subject to the provisions of Act 69:  
"An Act to Regulate and License In-  
surance Business in this Territory."

A Surety Bond is not insurance un-  
der any sense of the definition of the  
word, and cannot be construed as such  
under this law, if it is, then every per-  
son or corporation in the Territory be-  
coming Surety on the Bonds of individ-  
uals is violating the law and would  
come under the provisions of this Act  
69.

Yours truly,  
THE FIDELITY INSURANCE CO.,  
LTD. By Emmett May.

Honolulu, H. T., Nov. 27th, 1903.  
Mr. G. E. Smithies, Deputy Insurance  
Commissioner, Honolulu.

Dear Sir: Your communication of  
the 19th inst., in reference to The  
Fidelity Insurance Co., Ltd., in which  
you state that the payment of capital,  
investment of moneys and methods of  
doing business of said company are not  
in accord with the requirements of Act  
69 of the laws of 1903, was received on  
the 25th inst.

In reply will state that we contend  
we have complied with all the require-  
ments of said Act.

Payment of Capital: Section 7, re-  
quires not less than one hundred thou-  
sand dollars subscribed capital, of  
which fifty thousand dollars be paid in  
in cash before the issuance of any  
policy of insurance. This we have  
complied with as will be shown by our  
books and the minutes of our meetings.

You have already admitted that we  
have complied with the provisions of  
Act 69, as will be shown by your Cer-  
tificate of Authority issued to us on  
Oct. 1st, 1903, which was issued under  
the requirements of "Section 4. The  
Commissioner shall issue to any insur-  
ance company or corporation a Certi-  
ficate of Authority to transact business  
in this Territory under the following  
conditions:

"First: If a Company or Corporation  
organized under the laws of this Terri-  
tory, when he is satisfied that the  
provisions of this Act in relation to  
such Company or Corporation have  
been complied with."

If you were not satisfied that we had  
complied with the provisions of this  
Act at the time you issued us a Cer-  
tificate of Authority, then you have  
violated the law yourself which action  
on your part is liable to cause us great  
injury, damages and expense, and we  
hereby notify you that any action by  
you or the Insurance Commissioner of-  
ficially or otherwise is liable to injure  
our company and that we will hold you  
responsible for any damages you may  
cause our company to sustain.

You cannot claim that our capital or  
assets have become impaired since Oct.  
3rd, 1903, on the contrary it has en-  
hanced in value.

The Rapid Transit has been complet-  
ed since Oct. 3rd and is now running  
to Kaimuki Tract, which has increased

the value of all our property in such  
tract.

The Rapid Transit is also running on  
Alaska street, and a large building  
and mercantile house has recently been  
finished which is located near our Alas-  
ka street property, thus enhancing the  
value of same.

Under this head we beg to call your  
attention to Section 10, providing for  
the increase of the capital stock of a  
company formed after the passage of  
this Act, etc., and goes on to say  
"Provided that said increase in capital  
stock shall be fully paid in legal tender  
money of the United States."

In Section 7, a company organized  
prior to the taking effect of this Act  
provides fifty thousand dollars to be  
paid in in cash. Why the distinction?  
As to the payment of capital between  
a company organized prior to the tak-  
ing effect of the Act and one increas-  
ing its capital after the passage of the  
Act: It shows very plainly the intent  
of the law. Payable in cash, and pay-  
able in legal tender money of the United  
States is very distinct.

A cash payment may be made by  
several methods, either by check, draft,  
bill of exchange or note. Legal tender  
payments can only be made (large  
amounts) in United States gold coins.

We contend that we have complied  
absolutely with all requirements of  
Section 7 of Act 69 of the laws of 1903,  
both in reality and with the intents of  
the law.

Investments of Moneys: We fail to  
find any requirements under Act 69  
providing for regulation of investment  
of moneys and if there are any we beg  
that you point out the section thereof  
and in what way you claim we have  
not complied with it.

Methods of Doing Business: We also  
ask that you point out specifically in  
what way the methods of doing busi-  
ness of our company are not in accord  
with the requirements of Act 69.

Assets: We have to take exception  
to your valuation of ready and sundry  
assets of our company in comparison  
with our valuation.

However we propose to call in the  
balance of assessments of the capital  
stock and also dispose of the undesir-  
able assets with the endeavor to make  
it meet with your approval and avoid  
further trouble.

Insurance Business: We will refrain  
from doing any and all kinds of in-  
surance business granted us by you  
under our Certificate of Authority. But  
we propose to continue to do all other  
things (except insurance) granted us  
to do under our Articles of Association  
filed with the Treasurer of the Terri-  
tory of Hawaii March 4th, 1903, and  
duly approved by the Attorney General  
and Treasurer of the Territory of Haw-  
aii, which among other things pro-  
vides that we shall have power to act  
as surety on bonds, to buy and sell,  
lease, mortgage and otherwise deal in  
real estate and personal property; to  
buy and sell goods, wares and mer-  
chandise; to buy and sell and other-  
wise deal in stocks, bonds and other  
obligations of any corporation, com-  
pany, association, government or  
municipality; to loan money on notes  
or mortgage or other security, and to  
invest money in such enterprises for  
the purpose of investment as the direc-  
tors may deem expedient.

Hoping you will give these matters  
your careful consideration, we remain,  
Yours truly,  
THE FIDELITY INSURANCE CO.,  
LTD. By Emmett May.

By Emmett May.

By Emmett May.

By Emmett May.

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By Emmett May.



It's an easy job for the barber to  
part the hair on a head like this.  
It's just as easy to prevent baldness  
if you only do the right thing.  
Baldness is almost always a sure  
sign of neglect; it is the story of neg-  
lected dandruff.  
Dandruff is untidy, unnecessary, and  
unhealthy.

## Ayer's Hair Vigor&lt;/









Stmr. Kinau, Freeman, from Hilo and way ports at 12:15 p. m. with 119 bundles bags, 3 cords wood, 28 kegs, 1 horse and 182 packages sundries.

Sunday, November 29.  
Stmr. Ke Au Hou, from Ahukini,  
5:10 a. m.  
Stmr. W. G. Hall, Thompson, from

Monday, Nov. 30.  
Stmr. J. A. Cummins, Searle, for  
Koolau ports, at 10 a. m.  
Am. bkt. S. N. Castle, Nilson, for San

Stmr. Ke Au Hou, Tullett, for Ka  
paa, Anahola, Kilauea, Kallhiwai and  
Hanalei, at 5 p. m.

Arrived.

Per strmr. Kinau, November 28, from  
Hilo, and Way ports—George Porter,  
O. A. Stevens, C. L. Clement, Mrs. E.  
Kaiser, Rev. F. L. Lash and wife, Mrs.

and 2 children, Dr. J. H. Raymond, F. Rockwitz, H. Bicknell, M. Peepo, Mrs. G. W. Lincoln, Mrs. C. Tetzlaff, Master George Lincoln, C. C. Norri-

Per stmr. Ke Au Hou, from Ahukin  
Nov. 29.—E. C. Bruns, Wm. Jelling  
Mr. Titcomb Mrs. Titcomb, P. K. W  
and 4 deck.

Forrest, Pa. On N. Love, B. H. Schol  
ay, Chin Sai, Dr. Neshiyima, Y. Na  
kanese, Mrs. E. ewada, S. Kugumati  
J. Nevin, E. N. Russell, A. Creme

B. Lyons, Otto Oss, A. Haneberg, W.  
E. Devereux.  
DEPARTED.  
Per stmr. Mikahala, November 2

et/ stormar to

The Mauna Loa had 3200 bags Pe  
nalu sugar aboard, and was loading  
1500 at Honuapo when the Iwalani le  
the latter port for Honolulu.

The steamer Maui brought the following cargo to Honolulu: 36 sacks corn, 17 sacks beans, 166 sacks pails, 33 bdls. hides and 103 pkgs. sundries.

I've been sorely puzzled. The lat says, 'one pill to be taken three times a day,' and for the life of me I don't see how it can be taken more than once!"—*London Punch*.

(ASSOCIATED PRESS CABLEGRAMS.)

h American marines will have made a  
frica.  
aid: "My first mission will be to pay  
day before him and invitation to par-  
position. Whether the Emperor will  
He is a monarch of progressive ideas  
h he does not affect European dress or  
rms."

Major J. M. Canara will preside at the meeting, and among the speakers will be Consul A. de Souza Canavarro, Jos. F. Durao and Dr. J. B. Faria.	This work was really accomplished through the efforts of Dr. Juan Pinto Ribeiro, and it was he who gave the crown to the new sovereign.
On December 1, 1640, John IV was crowned King of Portugal, and the independence of the nation has since	De Libertad, a Portuguese political paper, contained a glowing account of the anniversary in its last issue.

**RELIEF AFTER SIX YEARS.**—Mrs. M. A. Clark, of Timberrange, N. S. W., Australia, writes: "I wish to inform you of the wonderful benefit I have received from your valuable medicines. I suffered from a severe cough for six years, and obtained no relief

until I took Chamberlain's Cough Remedy. One bottle cured me and I am thankful to say that I have never had the cough since. Make any use of this letter that you like for the good of any other poor sufferers." For sale by all dealers and druggists. Benson, Smith & Co., agents for Hawaii.

The refusal of Treasurer Kepoikal to hand in his resignation to Acting Governor Carter was a surprise to his friends generally on Maui. The reasons given in Kepoikal's last letter to Carter, although cogent, are hardly strong enough to justify his becoming an obstructionist, and it is the general impression that it is something left unsaid, rather than what was said, that has influenced the Treasurer in his decision. Of one thing the News feels assured and that is that Treasurer Kepoikal is not holding on to the office for its emoluments because he sacrificed a lucrative law practice to which he could return at any time, in order to accept the treasurership. The chances are that Kepoikal had some very substantial backing and advice, before he decided on his present course. Neither is Kepoikal holding on to the office for its honors, and if he still persists in refusing to resign, his friends will readily believe that there are reasons which fully justify his course in the matter, although at present it seems as if he were committing a political blunder.—Maui News.